(1)

BEFORE THE MADHYA PRADESH ADMINISTRATIVE TRIBUNAL JBP.

O.A.No. 1538 of 1993
O.P. No. 1120/05

Applicant: Hori Lal Sahu, aged about 32 years, son of Shri K.Sahu, resident of near Ramayan Chowk, Village Chandade, Bilaspur, M.P.

Vs.

Respondents: (1) The State of Madhya Pradesh through the Secretary, Forest Deptt. Govt. of M.P., Vallabh Bhawan, Bhopal, M.P.

(2) Chief Conservator of Forests, Madhya Pradesh, Satpura Bhawan, Bhopal, M.P.

(3) Conservator of Forest, Bilaspur, M.P.

(4) Divisional Forest Officer, Bilaspur, District Bilaspur, M.P.

DETAILS OF THE APPLICATION

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HIGH COURT OF CHHATTISGARH AT BILASPUR

S.B. : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION (S.) NO.1120 OF 2005

Petitioner	:	Hori Lal Sahu
	versus	
Respondents	:	The State of Madhya Pradesh and others

Present : None appears for both the parties.

ORDER
(Passed on 23rd of August, 2006)

The petitioner was initially appointed as Contingency Paid Employee on the post of Driver in the year 1980. By order dated 6-3-1982 (Annexure A/1), the petitioner was appointed temporarily with a condition that the services of the petitioner could be terminated any time with one month's notice. The petitioner was suspended by order dated 8-7-1988 (Annexure A/2) for misusing official government vehicle (Jeep No.CPZ 4083) and for causing damage to the government vehicle by accident. A departmental

enquiry was initiated against the petitioner on the charges of misuse of government vehicle and further causing damage to the vehicle. The enquiry officer came to the conclusion that the delinquent officer – the petitioner had misused the government vehicle for his personal use and caused damage in that process to the government vehicle. The disciplinary authority, who happened to be the enquiry officer also, by order dated 6-5-1989 (Annexure A/4), removed the petitioner from services.

2. The statutory appeal filed by the petitioner before the Conservator of Forest was also dismissed by order dated 20-9-1989 (Annexure A/6).

3. The petitioner preferred a revision before the Chief Conservator of Forest (Administration/Non-Gazetted) (Annexure A/7). The same was also dismissed on 10-4-1992 (Annexure A/8).

4. In the present petition, the petitioner has impugned order dated 6-5-1989 passed by the disciplinary authority (Annexure A/4), order dated 20-9-1989 passed by the Conservator of Forest (Annexure A/6) and order dated 10-4-1992 passed by the Chief Conservator of Forest (Administration/Non-Gazetted) (Annexure A/8) on the ground that the petitioner was not given proper

opportunity to defend his case. The representations made by the petitioner were also not considered in their proper perspective.

5. On perusal of the pleadings and documents, it is evident that the finding recorded by the enquiry officer is based on sufficient evidence and there is no irregularity, irrationality or procedural impropriety in the enquiry report.

6. It is well settled principle of law, as held in **B.C. Chaturvedi vs. Union of India**[1], **State of U.P. and others vs. Ashok Kumar Singh and another**[2], **Union of India vs. G.Ganayutham**[3], **Kuldeep Singh vs. Commissioner of Police and others**[4], **V.Ramana vs. A.P.S.R.T.C. and others**[5], **State of Rajasthan and another vs. Mohd. Ayub Naz**[6], **Syndicate Bank and others vs. Venkatesh Gururao Kurati**[7] that the scope of judicial review is limited to the deficiency in decision making process not the decision. In the present case, there is no rationality, illegality or procedural irregularity, which require interference in the

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1- (1995) 6 SCC 749
2- (1996) 1 SCC 302
3- (1997) 7 SCC 463
4- (1999) 2 SCC 10
5- (2005) 7 SCC 338
6- (2006) 1 SCC 589
7- (2006) 3 SCC 150

finding of the enquiry officer and the decision of the disciplinary authority for imposition of punishment of removal from service.

7. For the reasons above-stated, there is no reason to interfere with the finding recorded and order dated 6-5-1989 passed by the disciplinary authority (Annexure A/4), order dated 20-9-1989 passed by the Conservator of Forest (Annexure A/6) and order dated 10-4-1992 passed by the Chief Conservator of Forest (Administration/Non-Gazetted) (Annexure A/8). Thus, this petition is dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

[redacted]opal